



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,683	12/28/2000	Hyong-Taek Lim	0630-1193P	6561

7590 06/03/2005

BIRCH, STEWART  
KOLASCH & BIRCH, LLP  
P.O. Box 747  
Falls Church, VA 22040-0747

EXAMINER

LAZARO, DAVID R

ART UNIT	PAPER NUMBER
----------	--------------

2155

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/749,683	Applicant(s) LIM ET AL.	
	Examiner David Lazaro	Art Unit 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 6-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

*TL*

**DETAILED ACTION**

1. This office action is in response to the RCE filed 03/28/05.
2. Claims 6-8, 11 and 12 were amended.
3. Claims 1-5 are canceled.
4. Claims 6-12 are pending in this office action.

***Response to Amendment***

5. The objections to claims 7, 8, 11 and 12 are withdrawn.
6. The rejection of claims 6 and 7 under 35 U.S.C. 112, second paragraph, are withdrawn.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 6-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,104,334 by Allport (Allport) in view of U.S. Patent Application Publication 2001/0039460 by Aisa (Aisa).
9. With respect to Claim 6, Allport teaches a controlling method of controlling one or more home appliances using an Internet remote controller (Col. 5 lines 50-59 and Col. 6 lines 23-30), comprising: downloading appliance operating parameter data from

an information provider through a computer connected to the Internet (Col. 5 lines 50-59 and Col. 6 lines 23-30); receiving and storing at least part of the appliance operating parameter data on an Internet remote controller having a built-in memory (Col. 27 lines 18-32) and being connectable directly or remotely to the computer (Col. 5 lines 50-59, Col. 6 lines 23-30, and Col. 28 lines 51-59); transmitting from the remote controller the stored appliance operating parameter data and a control command of a home appliance to the corresponding control apparatus of a home appliance to be controlled (Col. 5 line 50 - Col. 6 line 13); and controlling operation of the home appliance based on the transmitted appliance operating parameter data and the control command (Col. 5 line 50 - Col. 6 line 13 and Col. 6 lines 23-30 and Col. 26 lines 27-36). Allport does not explicitly disclose attaching an additional memory to the remote controller to store appliance operating parameter data. Aisa teaches a control system for controlling appliances through a remote controller (Pages 3-4 [0056]-[0063]). The remote control has a built in memory (Page 4 [0061]) but can also be supplemented with additional attachable memory, such as magnetic cards, which carry appliance operating parameter data (Page 4 [0061]-[0063]). This allows the remote control functionality to be extended over the limited built in memory capabilities (Page 4 [0061]-[0063]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the controlling method disclosed by Allport and modify it as indicated by Aisa such that the controlling method further comprises attaching an additional memory to the remote controller to store appliance operating parameter data. One would be motivated to have this, as it is desirable to be able to hold additional appliance operating

Art Unit: 2155

parameter data such that the remote control can be used for a number of different household appliances (Page 4 [0061]-[0064]).

10. With respect to Claim 7, Allport in view of Aisa teaches all the limitations of Claim 6 and further teaches the transmitted/received operating parameter data is information which is downloaded and is stored from an information provider web site for providing information through the internet (Col. 28 line 60 - Col. 29 line 11 of Allport).

11. With respect to Claim 8, Allport teaches an internet remote control system for controlling one or more appliances (Col. 5 lines 50-59 and Col. 6 lines 23-30), comprising: a transmission/reception remote control unit having a receiver to receive appliance operating parameter data from a personal computer (Col. 5 lines 50-59, Col. 6 lines 23-30, and Col. 28 lines 51-59), a built-in memory to store at least part of the operating parameter data (Col. 27 lines 18-32), and a transmitter to transmit received operating parameter data and a control command to the one or more appliances (Col. 27 lines 33-61); an appliance having a receiver to receive the appliance operating parameter data received by the remote control unit from the personal computer and transmitted to the appliance by the remote control unit (Col. 6 lines 23-30 and Col. 9 lines 21-38 and Col. 24 lines 51-65), and a processor to operate the appliance based on the appliance operating parameter data and the control command transmitted to the appliance by the remote control unit (Col. 1 lines 37-45 and Col. 6 lines 23-30 - Note: It is inherent that there is such a processor in the appliances disclosed by Allport, otherwise the appliances would be unable to interpret the data being transmitted to them). Allport does not explicitly disclose an additional memory attached to the remote

control unit to store appliance operating parameter data. Aisa teaches a control system for controlling appliances through a remote controller (Pages 3-4 [0056]-[0063]). The remote control has a built in memory (Page 4 [0061]) but can also be supplemented with additional attachable memory, such as magnetic cards, which carry appliance operating parameter data (Page 4 [0061]-[0063]). This allows the remote control functionality to be extended over the limited built-in memory capabilities (Page 4 [0061]-[0063]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to take the internet remote control system disclosed by Allport and modify it as indicated by Aisa such that the system further comprises an additional memory attached to the remote control unit to store appliance operating parameter data. One would be motivated to have this, as it is desirable to be able to hold additional appliance operating parameter data such that the remote control can be used for a number of different household appliances (Page 4 [0061]-[0064]).

12. With respect to Claim 9, Allport in view of Aisa teaches all the limitations of Claim 8 and further teaches the transmission/reception remote control unit communicates with the computer using infrared radiation (Col. 28 lines 51-59 of Allport).

13. With respect to Claim 10, Allport in view of Aisa teaches all the limitations of Claim 8 and further teaches the transmission/reception remote controller communicates with the computer using an adapter (Col. 28 lines 23-59 of Allport).

14. With respect to Claim 11, Allport in view of Aisa teaches all the limitations of Claim 8 and further teaches the operating parameter data includes appliance time of

operation or manner of operation (Col. 5 line 50 - Col. 6 line 13 and Col. 24 lines 51-65 of Allport).

15. With respect to Claim 12, Allport in view of Aisa teaches all the limitations of Claim 8 and further teaches further comprising a switch to switch the remote control unit into a reception mode to receive operating parameter data from the computer and to switch the remote control unit into a transmission mode to transmit operating parameter data to the one or more appliances (Col. 10 line 64 - Col. 11 line 16 of Allport).

### ***Response to Arguments***

16. Applicants' arguments filed 03/28/05 have been fully considered and are primarily focused on the limitation "attaching an additional memory to the remote controller to store appliance operating parameter data" (as from claim 6). While the Allport reference may not explicitly disclose this subject matter, the limitation is obvious in view of the Aisa reference as presented in the 35 U.S.C. 103(a) rejection above. Pertinent issue will still address.

17. Applicants argue - *"In fact, Allport teaches away from using an additional memory attachable to its remote controller by focusing on the low cost of its remote control unit. An additional attachable memory device would increase the cost of Allport's remote controller, thereby dissuading one of ordinary skill in the art to modify Allport to provide such features."*

- a. Applicants provide no factual evidence as to the teachings of Allport reference focusing on low cost to the point at which one of ordinary skill in the art would be dissuaded from making modifications that would incur higher expenses. Furthermore, Applicants provide no factual evidence as to how additional

attachable memory would necessarily increase costs of the remote controller of the Allport reference in such a scale that one of ordinary skill in the art would be dissuaded from making such a modification. Therefore, applicants' arguments are not persuasive. Also, please note MPEP 2123.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

19. U.S. Patent Application Publication 2001/0011953 by Shintani et al.

"Configurable remote control unit using a removable memory device" August 9, 2001.

Discloses a programmable remote controller for controlling various home appliances.

Focuses primarily on a modular memory architecture for storing operating data on an attachable memory. The remote controller itself does not connect to a PC/internet connection, only the memory module.

20. U.S. Patent 6,748,278 by Maymudes "Remote controlled system with computer-based remote control facilitator" June 8, 2004. Allows devices normally not used for remote control functionality to become remote controllers (for example a cell phone programmed to control a TV). Programming of the device is through a TCP/IP connection.



Art Unit: 2155

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Lazaro whose telephone number is 571-272-3986. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Lazaro  
May 26, 2005



**BHARAT BAROT**  
**PRIMARY EXAMINER**